

NEBRASKA BOARD OF PHARMACY  
**MEETING MINUTES**  
**January 25, 2010**

**ROLL CALL**

Robert Marshall, R.P. Chairperson, called the meeting of the Board of Pharmacy to order at 8:00 a.m. in Staybridge Room of Staybridge Suites, located at 2701 Fletcher Avenue, Lincoln, NE. Copies of the agenda were sent to Board members and other interested parties prior to the meeting. The following Board members answered roll call:

Robert Marshall, R.P., Chair  
Richard Zarek, R.P., Vice-Chair  
Thomas Walsh  
Kevin Borchert, R.P.  
Patricia Gollner, R.P.

A quorum was present and the meeting convened.

Also present from the Department were: Becky Wisell, Office Administrator; Vonda Apking, Health Licensing Coordinator; from the Office of Medical and Specialized Health; Tony Kopf, R.P., Mike Swanda, R.P., and Mike Rueb, R.P., Pharmacy Inspectors; and Michael Grutsch, P.A., Program Administrator, and Larry Wiehn, Investigator, from the Investigations Division; Lisa Anderson, Assistant Attorney General.

**REVIEW OF AGENDA**

Adoption of Agenda

Borchert moved, seconded by Walsh, to approve the agenda as presented with the Chair having the authority to rearrange as needed. Voting aye: Borchert, Gollner, Marshall, Walsh, and Zarek. Voting nay: None. Motion carried.

Additions, Modification, Reordering

The Board requested that the following applications be removed from the consent agenda:

- Mary Wagener – Pharmacist Intern application
- Lareatha Rahn – Pharmacy Technician application
- Rory Albert – Pharmacist application
- Andrew Kampfe – Pharmacist application
- Harriet Manis – Pharmacist application
- Zhiying Yang – Pharmacist application
- Monique Matthews – Pharmacist reinstatement application
- Carla McCoy – Pharmacist reinstatement application
- Portland Professional Pharmacy – Mail Service Pharmacy renewal application
- (2) HyVee Pharmacy – Pharmaceutical Care Agreements

Adoption of Consent Agenda

Zarek moved, seconded by Gollner, to approve the consent agenda as amended. Voting aye: Borchert, Gollner, Marshall, Walsh, and Zarek. Voting nay: None. Motion carried.

**ELECTION OF OFFICERS**

Borchert moved, seconded by Walsh, to nominate and appoint Richard Zarek as Chairperson. Voting aye: Borchert, Gollner, Marshall, and Walsh. Voting nay: None. Abstained: Zarek. Motion carried.

Walsh moved, seconded by Gollner, to nominate and appoint Borchert as Vice-Chairperson. Voting aye: Gollner, Marshall, Walsh, and Zarek. Voting nay: None. Abstained: Borchert. Motion carried.

Zarek moved, seconded by Borchert, to nominate and appoint Walsh as Secretary. Voting aye: Borchert, Gollner, Marshall, and Zarek. Voting nay: None. Abstained: Walsh. Motion carried.

Andrew Kampfe, Pharmacist applicant, spoke to the Board regarding current employment and also provided the Board with an updated curriculum vitae.

**INVESTIGATIONAL REPORTS, DISCIPLINARY REPORTS, CONTROLLED SUBSTANCES AUDIT REPORTS, CONVICTION CRITERIA FOR APPLICATIONS REVIEW AND APPLICATION REVIEW – CLOSED SESSION**

Walsh moved, seconded by Gollner, to close the session at 8:21 a.m. to review investigational reports, disciplinary reports, and controlled substances audit reports, conviction criteria for application review and to review applications. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Zarek recused himself from the meeting at 10:44 p.m.

Marshall moved, seconded by Gollner, to return to open session at 11:01 a.m. Voting aye: Borchers, Gollner, Marshall, and Walsh. Voting nay: None. Absent: Zarek. Motion carried.

Zarek rejoined the meeting at 11:02 a.m.

**APPROVAL OF MINUTES**

November 9, 2009

Page 1: No changes

Page 2: Under Pharmacist Technician Application(s) with Convictions/Disciplinary Action/Other (2), change “pharmacist licensure” to “pharmacy technician registration” and under CIMRO OF NEBRASKA PRESENTATION - PRESCRIPTION DRUG PROJECT, line 4 change the word “pharmacist” to “pharmacists” and in the last sentence change “Nebraska Pharmacist Association” to “Nebraska Pharmacists Association”.

Page 3: Under GOALS UPDATE, 2<sup>nd</sup> paragraph, change the word “implantation” to “implementation”; and under ACTION ITEMS, line 2, insert a comma after the word “pharmacies”.

Page 4: No changes

Walsh moved, seconded by Marshall, to approve the November 9, 2009, minutes as corrected. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

**APPLICATION REVIEW**

Pharmacist Intern Application(s) with Convictions/Disciplinary Action/Other (4)

Borchers moved, seconded by Marshall, to approve the pharmacist intern registration application of Mary Wagoner. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Pharmacy Technician Application(s) with Convictions/Disciplinary Action/Other (6)

Marshall moved, seconded by Gollner, to recommend issuing a two year probationary pharmacy technician registration to Lareatha Rahn. The following probationary terms and conditions would apply: 1) Inform her employer of probationary status, 2) Require quarterly employer reports, 3) No further law violations, and 4) Perform a justice search prior to the end of probation. The basis for the probationary registration is her conviction history. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Pharmacist Application(s) with Conviction/Disciplinary Action/Other (6)

Marshall moved, seconded by Walsh, to approve the pharmacist application of Rory Albert. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Borchers moved, seconded by Walsh, to recommend issuing a two year probationary pharmacist license to Andrew Kampfe. The following probationary terms and conditions would apply: 1) Inform his employer of probationary status, 2) Require quarterly employer reports, 3) Complete an ethics course approved by the Board within the first six months of receiving his license, 4) Make a minimum of two presentations, at least one per year, on ethical behavior relative to the pharmacy profession which includes an admission to and discussion of the behaviors leading to his probationary status, and 5) No further law violations. The basis for the probationary license was for past disciplinary action against Mr. Kampfe’s pharmacist intern registration. Voting aye: Borchers, Gollner, Marshall, and Walsh. Voting nay: None. Abstain: Zarek. Motion carried.

Marshall moved, seconded by Borchers, to approve the pharmacist licensure application of Harriet Manis. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Marshall moved, seconded by Borchers, to approve the pharmacist licensure application of Zhiying Yang. Voting aye: Borchers, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

#### Pharmacist Reinstatement Application(s) with Conviction/Disciplinary Action/Other (2)

Marshall moved, seconded by Walsh, to deny the removal of the probationary terms and conditions currently on the pharmacist license of Monique Matthews. The basis for the denial is that Ms. Matthews has never worked as pharmacist since her Nebraska pharmacist license was placed on probation and that she has not satisfied the original terms or her probation. Voting aye: Borchert, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

Borchert moved, seconded by Marshall, to deny the reinstatement application of the pharmacist license of Carla McCoy. The basis for the denial is past disciplinary action, continued chemical dependency/abuse and the length of time since Ms. McCoy has worked as a pharmacist. Voting aye: Borchert, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Renewal Application(s) – (3)

Borchert moved, seconded by Walsh, to approve the mail service pharmacy renewal application of Portland Professional Pharmacy. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

#### Mail Service Pharmacy Initial Application(s) – (1) – CONSENT

#### **PHARMACEUTICAL CARE AGREEMENT(S) (5) - CONSENT**

Borchert requested that the pharmaceutical care agreements for the Hy-Vee pharmacies add identifiers (i.e. months, days, years of age, etc.) when numbers are mentioned throughout their agreements. Borchert also requested that the pharmaceutical care agreement for O'Neil Family Pharmacy contains typo. It should be 1/1000 not 1/100. **Action Item:** Staff will notify the pharmacies regarding their pharmaceutical care agreements.

#### **PHARMACY TECHNICIAN MANUAL(S) (2) - CONSENT**

#### **RATIFY MAIL BALLOT(S) (3) – CONSENT**

#### **PRESCRIBERS AND PRESCRIBING AUTHORITY CHART – CONSENT**

#### **REMOTE ORDER ENTRY SYSTEM PRESENTATION (BY RX REMOTE SOLUTIONS)**

William Lee, RPh, MPA and Carl Geberbauer, RPh, MBA, of Rx Remote Solutions, presented to the Board an overview of what services are provided by Rx Remote Solutions. The Board asked several questions. The Board explained that this type of duty can be performed under the current statutes as long as the pharmacist performing the duties for Nebraska citizens held a Nebraska license. The Board thanked Mr. Lee and Mr. Geberbauer.

#### **APPLICATION REVIEW – CONT'D**

#### Licensure Issue Regarding the 1500 hour Internship Requirement

The Board discussed the issue of pharmacists applying for licensure who are unable to provide proof of having obtained 1500 hours of internship experience. Ron Hospodka, R.P., Creighton University, explained that Creighton pharmacy students acquire 1900 internship hours during the course of their pharmacy education. The Board commented that these applications would need to be considered on a case by case basis. The Board's consideration could include how long an applicant has worked as a pharmacist.

#### **2010 LEGISLATION**

Borchert explained that he will be testifying at the Legislative hearing for both LB 855 and LB 866. Joni Cover, Nebraska Pharmacists Association (NPA), explained the position that the NPA has taken on the legislative bills. Wisell explained that the Board's letter of opposition to LB 941 was delivered to the Senators.

#### **REGULATIONS DEVELOPMENT – DELEGATED DISPENSING**

The Board will review these at their next scheduled meeting.

#### **NEWSLETTER**

Marshall will work with staff to get a newsletter published before July. Apking explained that the contract for the newsletter has not been finalized. Department Legal and NABP are working on contract wording.

## **NATIONAL ASSOCIATION OF BOARDS OF PHARMACY (NABP) ISSUES**

NABP 106<sup>TH</sup> Annual Meeting – May 22-25, 2010 in Anaheim, CA

Gollner explained that she would not be able to attend this meeting. The Board discussed requesting travel authorization for Borchert, Marshall, Walsh, and Zarek.

### **Appointing an Official Delegate**

Marshall moved, seconded by Gollner, to appoint Zarek as the voting delegate and Borchert as the alternate voting delegate for the NABP annual meeting. Voting aye: Borchert, Kaczmarek, Marshall, Walsh and Zarek. Voting nay: None. Motion carried.

## **COMMITTEE REPORTS**

### **MPJE Committee**

There has been no action that needs discussed under this item.

### **Formulary Advisory Committee**

There has been no action that needs discussed under this item.

## **ACTION ITEMS**

The Board reviewed the action item list.

## **FINANCIAL REPORT**

Wisell explained the budget status report.

## **GOAL SETTING**

The Board members discussed the status of their 2009 goals and determined whether they were achieved or whether they should be carried over. The Board also discussed some future goals such as Question and Answer section on the website that would allow individuals to submit practice questions. Walsh mentioned having regional meetings that could include legislative update, goals updates, answer common practice questions. These regional meetings could be held by tele-conferencing. Zarek mentioned the national trend to change the pharmacy technician ratio and to require pharmacy technicians to be nationally certified as a goal for 2010. The inspectors mentioned decreasing the 5 year timeframe for random inspections. Wisell requested comments about the continuation of having paperless meeting. The Board commented that they wish to continue having paperless meetings.

## **ADJOURNMENT**

Marshall moved, seconded by Gollner, to adjourn the meeting at 4:12 p.m. Voting aye: Borchert, Gollner, Marshall, Walsh and Zarek. Voting nay: None. Absent: None. Motion carried.

Respectfully submitted,

(signature on file with the Department)

Thomas Walsh, Secretary  
Board of Pharmacy